

ENTERED

March 27, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GETZELL JOHNSON MURRELL, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 4:18-CV-921
§
ZANE YOUNG ZEON, *et al*, §
§
Defendants. §

MEMORANDUM AND ORDER

Getzell Johnson Murrell, an inmate incarcerated at the Wynne Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, has filed a prisoner civil rights complaint. Murrell has not paid the filing fee. This action will be dismissed pursuant to the provisions of 28 U.S.C. § 1915(g).

Barring a show of imminent danger, under the Prison Litigation Reform Act of 1995, a prisoner may not file an action without prepayment of the filing fee if he has, on three or more prior occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals which was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Murrell accumulated at least three such dismissals before filing the pending complaint, and is no longer allowed to proceed *in forma pauperis* pursuant to the provisions of section 1915(g). See *Murrell v. Morgan*, No. 6:95-cv-213 (E.D. Tex. Feb. 25, 1995); *Murrell v. Morgan*, No. 6:95-cv-213 (E.D. Tex. Aug. 1, 1996); *Murrell v. Menifee*, No. 1:05-cv-2143 (W.D. La. May 4, 2006) . Murrell's allegations do not plead any facts showing that he is in any immediate danger which would warrant waiver of the fee requirement. See *Choyce v. Dominguez*, 160 F.3d 1068, 1071 (5th Cir. 1998); *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

In light of the pleadings and his litigation history, Murrell has failed to show that he is eligible to proceed as a pauper. Consequently, this action should be dismissed pursuant to 28 U.S.C. § 1915(g).

The court ORDERS that the Prisoner Civil Rights Complaint (Docket Entry No. 1), filed by TDCJ-CID Inmate Getzell Johnson Murrell, TDCJ-CID No. 1954144 is DISMISSED. 28 U.S.C. § 1915(g).

The Clerk is directed to provide a copy of this Memorandum Opinion and Order to the parties and to the TDCJ - Office of the General Counsel, P.O. Box 13084, Austin, Texas 78711, Fax Number (512) 936-2159.

It is so ORDERED.

SIGNED on this 26th day of March, 2018.



Kenneth M. Hoyt
United States District Judge